

TIGARD MUNICIPAL CODE

Chapter 7.74 EMERGENCY OPERATIONS

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7.74.000 Emergency Management Code

Pursuant to ORS 401.305, related to the emergency management powers of local governments, an emergency management agency for the City of Tigard is established. Subject to the appointment by the city manager, the emergency program manager has responsibility for the organization, administration, and operation of the emergency management agency during an emergency in accordance with the emergency management plan. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.010 Short Title

Chapter 7.74 shall be known and may be cited as the “Emergency Management Code” and also may be referred to herein as “this chapter.” (Ord. 10-03 §1)

7.74.020 Emergency Management Plan

A. The emergency management plan referred to herein consists of the emergency management plan, together with corresponding hazard-specific plans and resource and call lists.

The plan sets out emergency procedures for the city to implement when responding to various types of significant emergencies. The plan is on file with the city recorder and also on the city’s website.

B. The plan may be changed or updated from time to time as follows: The city council has authority to adopt or amend Section 1, Administrative Overview, and Section 1a, Basic Plan, of the plan, as these sections serve as the policy direction for emergency operations. The emergency program manager has authority to amend other sections or documents associated with the plan. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.030 Agreements

In accordance with the city’s procurement procedures, the emergency program manager is authorized to negotiate, prepare, and recommend agreements between the city and public agencies or private parties in furtherance of the policies set forth in the plan. Emergency contracts may be entered into in accordance with Tigard’s Public Contracting Rules Section 80.010. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.040 “Local Emergency” Defined

A. A “local emergency” exists whenever the city or an area impacting part of the city is suffering, or in imminent danger of suffering, an incident that may cause injury or death to persons, or damage to or destruction of property to the extent that extraordinary measures must be taken to protect life, property, or the environment.

B. Such an incident may include, but not be limited to, the following: fire, explosion, flood, severe weather, landslide, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, pandemic, disease, blight,

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infestation, civil disturbance, riot, sabotage, terrorist attack and war. The mayor, or the mayor's successor, has the authority to declare a local emergency subject to the provisions of Section 7.74.070. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.050 Adoption of the National Incident Management System

The principles and policies of the National Incident Management System (NIMS) serve as the foundation for the city's incident command, coordination, and support activities.

A. To the extent possible, the city will utilize the Incident Command System (ICS) of NIMS to manage major emergencies and disaster operations within its jurisdiction.

B. City staff responsible for managing or supporting major emergency and disaster operations will be provided appropriate training on NIMS, ICS and its core components. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.060 Executive Responsibilities and Line of Succession

Notwithstanding the following, the city manager is responsible for ensuring emergency management functions assigned under the plan are carried out.

A. The mayor, or the mayor's designee, will administer the implementation of policies contained in the plan. If the mayor, for any reason, is unable or unavailable to perform the duties identified under this chapter, the duties will be performed in the following order of succession:

1. Council president or council member.
2. City manager or the assistant city manager.

3. Police chief or the police chief's designee.

4. Public works director or the public works director's designee.

B. The powers of the successor to the mayor are limited to those granted under this chapter and the Charter. The duration of succession will be until such time as the mayor is able and available to perform his or her duties. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.070 Declaration and Ratification of a Local Emergency

When the mayor, or the mayor's successor, determines that a local emergency exists, the mayor, or the mayor's successor, will make a declaration to that effect, and within 24 hours, call a special meeting of city council to ratify the declaration of emergency. City council's ratification of the declaration of emergency will be by ordinance or resolution.

A. A declaration of local emergency can be made to:

1. Implement specific temporary local measures which may be taken to protect life, property, or the environment.

2. Request assistance from the county or state, to include requesting a declaration of a "state of emergency" made by the governor.

3. Request the governor ask for a presidential "declaration of a major disaster or emergency," which would initiate actions necessary for local governments and individuals to receive federal disaster assistance.

B. The declaration by the mayor, or the mayor's successor, of a local emergency must state the following:

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1. The nature of the emergency;
2. Location or geographic area affected;
3. Description of emergency conditions or threat;
4. Description of damage or potential damage, if any; and
5. Specific measures to be taken to protect lives and properties.

C. If a declaration is made to request assistance, in addition to the statements required in subsection B of this section, the declaration must include:

1. Resources committed and actions initiated by the city to stabilize the situation;
2. A statement requesting the governor consider the city an “emergency area,” declare a state of emergency, and, if warranted, request a presidential declaration; and
3. The type of assistance and resources required.

D. In addition to the requirements of subsections B and C of this section, the ratification by the city council of a local emergency must:

1. State the duration of time for the declaration of the state of emergency; and
2. Approve or modify specific emergency measures recommended by the mayor, or the mayor’s successor, for the duration of the emergency period set forth in the declaration.

E. The declaration of a local emergency, as ratified by city council, must limit the duration of

the state of emergency to the period of time during which the conditions giving rise to the declaration exist or are likely to remain in existence. (Ord. 19-01 §1; Ord. 10-03 § 1)

7.74.080 Declaration of Emergency— Authorized Procedures

Whenever a local emergency has been declared to exist within the city, one or more of the following temporary emergency measures may be taken to protect life, property, or the environment:

A. Establishment of a curfew for the area designated as an emergency area which fixes the hours during which all persons, other than officially recognized personnel, may be upon the public streets or other public places.

B. Prohibition or limitation of the number of persons who may gather or congregate upon any public street, public area, or any outdoor place within the area designated as an emergency area.

C. Barricading of streets and other areas. Vehicular and pedestrian traffic may be prohibited or regulated on streets leading to areas designated as emergency areas for such distance as may be deemed necessary under the circumstances.

D. Mandatory evacuation of persons when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency.

E. Prohibit or restrict the sale of alcoholic beverages.

F. Prohibit or restrict the sale of gasoline or other flammable liquids.

G. Prohibit or restrict the sale, carrying or possession of any weapons or explosives of any kind on public streets, public places, or any

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outdoor place.

H. Curtailment or suspension of commercial activity.

I. Interruption or termination of water, gas, or electrical service.

J. Redirection of city funds for emergency use and suspension of standard city procurement procedures.

K. Other measures which are imminently necessary for the protection of life, property, or the environment, including entering into or upon private property to prevent or minimize danger to lives, property, or the environment. (Ord. 19-01 §1; Ord. 10-03 §1)

7.74.090 Violations—Penalties.

Knowing violation of an emergency regulation or order issued by city emergency personnel during periods of a declared emergency is a Class 1 civil infraction and may be prosecuted as set forth in Chapter 1.16 of the Tigard Municipal Code, except that, notwithstanding Section 1.16.640.A.1, the minimum fine upon conviction is not less than \$250 and not more than \$1,000 per offense. Each day of violation will be deemed a separate offense for purposes of imposition of penalty. (Ord. 19-01 §1; Ord. 12-01 §2; Ord. 10-03 §1) ■